

Remarks

Claims 1-20 are pending in the application. Claims 1-20 have been rejected and claims 5, 16, and 20 have been objected to in the subject Office Action.

With regard to the objections to claims 5, 16, and 20, these claims have been amended to more clearly recite the claimed subject matter. Applicant respectfully submits these claim amendments overcome these objections and requests these objections be withdrawn.

Claims 8 and 17 have been rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. Claim 8 has been amended to recite “step 7(a)” rather than “step 8(a)”. Claim 17 has been amended to recite “a dark portion and a white portion of turkey bacon”. Applicant respectfully submits these claim amendments overcome these rejections and requests these rejections be withdrawn.

Claims 1-8, 10-18, and 20 have been rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 5,925,400 to Gundlach et al. in view of U.S. Patent 3,840,677 to Leidy et al. or U.S. Patent 4,162,332 to Sienkiewics et al.

Independent claim 1 recites “applying a flavoring solution to the fried turkey bacon” and independent claims 10 and 17 recite “applying a flavoring to the fried product”. Applicant respectfully submits that none of the cited references teach or suggest applying a flavoring to a fried turkey bacon / product.

Grundlach et al. has been cited for disclosing flavoring agents. As stated in column 19, lines 15-18 of Gundlach et al., “the combined product(s) can be heat processed and/or subjected to smoking conditions, combined with flavoring agents, chilled and then sliced into strips.” As stated in column 7, lines 1-5 of Gundlach et al., “Flavoring and other components, such as preservatives and components useful for improving the firmness of the completed light-colored phase of the bacon product can be included in the water composition.” In both instances, Applicant respectfully submits that Gundlach et al. discloses combining the combined product(s) or light-colored phase with flavoring prior to the slicing step. Further, as evidenced by the

attached page printed from the Merriam-Webster OnLine Dictionary, the word “combined” means to intermix or blend. Because the flavoring is combined (intermixed or blended) with the combined product(s) or light-colored phase in Grundlach et al., the flavoring could not be applied as recited in the claims of the present application. Thus, Grundlach et al. teaches away from applying a flavoring after the frying step as recited in the claims of the present application because the fried turkey bacon / product could not be combined with flavoring as disclosed in Grundlach et al.

None of the cited references teach or suggest applying a flavoring after the frying step as recited in claims 1, 10, and 17 and the claims that depend upon these claims. Further, none of the cited references teach or suggest the problem of losing flavor from turkey bacon as a result of frying the turkey bacon. Thus, applying a flavoring to the fried turkey bacon / product is not obvious in view of these cited references. Thus, Applicant respectfully submits that claims 1-8, 10-18, and 20 are not obvious in view of the cited references and should be allowed.

Claims 9 and 19 have been rejected under 35 U.S.C. 103(a) as being unpatentable over Gundlach et al. in view of Leidy et al. or Sienkiewics et al. as applied to the above claims and further in view of U.S. Patent 6,391,355 to Kunert et al. or U.S. Patent 6,534,102 to Kazemzadeh. Because claim 9 depends upon claim 1 and claim 19 depends upon claim 17, these claims should also be allowed.

Claims 21-24 have been added. Claims 21 and 23-24 have been added to recite that the flavoring is sprayed onto the fried turkey bacon / product to enhance its flavor. Claim 22 has been added to recite that flavor is lost from the turkey bacon during the frying step and flavoring is applied to enhance its flavor.

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Favorable consideration of this Amendment is respectfully requested. Should the Examiner wish to discuss this application, the Examiner is welcome to contact the under-signed representative for the Applicant.

Respectfully submitted,

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